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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Canada, Chile, Colombia, Dominican Republic, Georgia, Honduras, Hungary, Iceland, Ireland, Lebanon, Liberia, Liechtenstein, Mexico, Monaco, Morocco, New Zealand, Norway, Panama, Sri Lanka, Switzerland, Tunisia and Vanuatu: revised draft resolution

Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms[1]

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other relevant instruments,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also all its other previous resolutions on this subject, including its resolutions 66/164 of 19 December 2011, 68/181 of 18 December 2013 and 70/161 of 17 December 2015, and Human Rights Council resolutions 22/6 of 21 March 2013,[4] 31/32 of 24 March 2016[5] and 34/5 of 23 March 2017,[6]

[1] Commonly referred to as the Declaration on human rights defenders.

[2] Resolution 217 A (III).

[3] Resolution 2200 A (XXI), annex.

[4] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[5] Ibid., *Seventy-first Session* (A/71/53), chap. IV, sect. A.

[6] Ibid., *Seventy-second Session* (A/72/53), chap. IV, sect. A.

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Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Reaffirming that States have the primary responsibility and are under the obligation to respect, promote and protect all human rights and fundamental freedoms of all persons,

Stressing, in this regard, that all human rights and fundamental freedoms apply to all persons equally, including human rights defenders in the context of the Declaration, and that these rights and freedoms must be respected, protected and fulfilled without discrimination,

Reaffirming the importance of the Declaration and its implementation, and that promoting respect and support for the activities of human rights defenders is essential to the overall enjoyment of human rights,

Underscoring the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all human rights, at the local, national, regional and international levels, including by engaging with Governments and contributing to the efforts in the implementation of the obligations and commitments of States in this regard,

Welcoming the steps taken by some States to create a safe and enabling environment for the promotion, protection and defence of human rights, and recognizing in this regard the positive efforts by authorities, national human rights institutions where they exist and civil society towards the development and enactment of relevant national policies, laws, programmes and practices,

Recognizing the substantial role that human rights defenders can play in supporting efforts to strengthen conflict prevention, peace and sustainable development, including environmental protection, through dialogue, openness, participation and justice, including by monitoring, reporting on and contributing to the promotion and protection of all civil, political, economic, social and cultural rights, and other rights, including the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development,[7]

Gravely concerned by the considerable and increasing number of allegations and communications of a serious nature received by special procedures of the Human Rights Council and other mechanisms on the threats, risks and dangers faced by human rights defenders, including women human rights defenders, online and offline, and the prevalence of impunity for violations and abuses against them in many countries, where they face threats, harassment and attacks and suffer insecurity, including through restrictions on the rights to freedom of opinion, expression, association or peaceful assembly, and the right to privacy, or through abuse of criminal or civil proceedings, or acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

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[7] Resolution 70/1.

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Stressing that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society,

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

Recognizing the urgent need to address, and to take concrete steps to prevent and stop, the use of legislation to hinder or limit unduly the ability of human rights defenders to exercise their work, including by reviewing and, where necessary, amending relevant legislation and its implementation in order to ensure compliance with international human rights law,

Strongly reaffirming that everyone has the right, individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, as laid out in the Declaration, and, in view of the twentieth anniversary of the Declaration, encouraging leaders in all sectors of society and in their respective communities, including political, military, social and religious leaders and leaders in business and the media, to express public support for human rights defenders in society, including women human rights defenders, and in cases of threat, harassment, violence, discrimination, racism and other violations and abuses committed against them, including killings, to take a clear stance in rejection of such practices and offences,

1. *Stresses* that the right of everyone to promote and strive for the protection and realization of human rights and fundamental freedoms without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of all persons, including human rights defenders, who exercise the rights to freedom of opinion, expression, peaceful assembly and association, which are essential for the promotion and protection of human rights;

3. *Welcomes* the work and takes note of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights defenders,[5] and also takes note of the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;[6]

4. *Urges* States to acknowledge through public statements, policies, programmes or laws the important and legitimate role of individuals, groups and organs of society, including human rights defenders, in the promotion of all human rights, democracy and the rule of law as essential components of ensuring their recognition and protection, including by duly investigating and condemning

[5] A/72/170.

[6] A/HRC/34/31.

publicly all cases of violence and discrimination against human rights defenders, including women human rights defenders, underlining that such practices can never be justified;

5. *Encourages* partnerships and collaboration between States, national human rights institutions, civil society and other stakeholders in promoting, protecting and realizing all human rights and fundamental freedoms, including through consultative bodies, focal points within the public administration, national human rights mechanisms for reporting or follow-up, or measures aimed at enhancing the recognition in society of the valuable role played by human rights defenders, while fully recognizing the importance of the independent voice of human rights defenders and other civil society actors;

6. *Underlines* the value of national human rights institutions, established and operating in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles),[10] in the continued engagement with human rights defenders and in the monitoring of existing legislation and consistently informing the State about its impact on the activities of human rights defenders, including by making relevant and concrete recommendations;

7. *Strongly condemns* the violence against and the targeting, criminalization, intimidation, torture, disappearance and killing of any individuals, including human rights defenders, for reporting and seeking information on human rights violations and abuses, and stresses the need to combat impunity by ensuring that those responsible for violations and abuses against human rights defenders, including against their legal representatives, associates and family members, are promptly brought to justice through impartial investigations;

8. *Condemns* all acts of intimidation and reprisal by State and non-State actors against individuals, groups and organs of society, including against human rights defenders and their legal representatives, associates and family members, who seek to cooperate, are cooperating or have cooperated with subregional, regional and international bodies, including the United Nations, its representatives and mechanisms, in the field of human rights, and strongly calls upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, including the United Nations, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms;

9. *Calls upon* States to take concrete steps to prevent and put an end to arbitrary arrest and detention, including of human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations and commitments of States under international human rights law, for exercising their human rights and fundamental freedoms, such as the rights to freedom of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

10. *Strongly reaffirms* the urgent need to respect, protect, facilitate and promote the work of those promoting and defending economic, social and cultural rights, as a vital factor contributing towards the realization of those rights, including as they relate to environmental, land and indigenous issues and business activity, as well as development, including through corporate accountability;

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[10] Resolution 48/134, annex.

11. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and reiterates its strong call upon States to take appropriate, robust and practical steps to protect women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights, as called for by the General Assembly in its resolution 68/181;

12. *Urges* non-State actors, including transnational corporations and other business enterprises, to respect, promote and strive for the protection of the human rights and fundamental freedoms of all persons, including human rights defenders, and underlines the need to ensure human rights due diligence and the accountability of, and the provision of adequate remedies by, transnational corporations and other business enterprises, while also urging States to adopt relevant policies and laws in this regard, including to hold all companies to account for involvement in threats or attacks against human rights defenders;

13. *Welcomes* the steps taken by some States to promote and give effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,[11] as well as by the United Nations High Commissioner for Human Rights and some regional organizations in making the Declaration available and known to all stakeholders at the national and local levels, in their respective languages, and underlines the need to promote and give full and appropriate effect to the Declaration;

14. *Decides* to devote a high-level plenary meeting of the General Assembly at its seventy-third session, in 2018, within existing resources, to the twentieth anniversary of the adoption of the Declaration, with a view to giving impetus to its promotion in all regions, and requests the President of the General Assembly to conduct consultations with Member States in order to determine the modalities for that meeting;

15. *Encourages* all parts of the international community, in view of the twentieth anniversary of the Declaration, including States, national human rights institutions, the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights defenders, in cooperation with relevant parts of the United Nations system, relevant regional organizations and civil society actors, to initiate and take part in awareness-raising activities at the local, national, regional and international levels, to promote and support the Declaration and its implementation, invites all stakeholders to report thereon to the General Assembly at its seventy-third session, and requests the Office of the High Commissioner to make a compilation thereof available for the high-level plenary meeting referred to in paragraph 14 above;

16. *Requests* the Secretary-General, in view of the twentieth anniversary of the Declaration, to undertake a comprehensive assessment and analysis of progress, achievements and challenges related to the ways in which the Office of the High Commissioner, as well as other relevant United Nations offices and departments and relevant specialized agencies, including at the country level, within their respective mandates, give and can give due consideration to the Declaration and take into account the reports of the Special Rapporteur in their work, and assist States in strengthening the role and security of human rights defenders as called for by the General Assembly in its resolutions 62/152 of 18 December 2007, 64/163 of 18 December 2009, 66/164, 68/181 and 70/161, recognizing that technical assistance

[11] Resolution 53/144, annex.

and capacity-building are to be provided in consultation with, and with the consent of, the Member States concerned;

17. *Also requests* the Secretary-General to undertake his assessment and analysis in cooperation with the Special Rapporteur and in consultation with States, other relevant special procedures mandate holders, relevant treaty bodies, relevant United Nations offices and departments and relevant specialized agencies, including at the country level, as well as national human rights institutions and civil society, and to present the results of this assessment and analysis in a report to the General Assembly at its seventy-third session,[12] containing conclusions and recommendations for effective technical assistance and capacity-building, including good practices thereof and examples of positive impact or change as well as challenges related to the provision of support to States in the implementation of relevant human rights obligations and commitments;

18. *Requests* all concerned United Nations system entities and organizations, within their mandates, to provide all possible assistance and support to the Special Rapporteur for the effective fulfilment of his mandate, including in the context of country visits and through suggestions on ways and means of ensuring the protection of human rights defenders;

19. *Requests* the Special Rapporteur to continue to report annually on his activities to the General Assembly and the Human Rights Council, in accordance with the mandate;

20. *Decides* to remain seized of the matter.

[12] Including a presentation for the high-level plenary meeting referred to in paragraph 14.